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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re application of) Group Art Unit: 4135
Klaus Ludwig CHRISTMANN)
Günther Oskar ECKERT) Examiner:
Rudolf STÄB) Joseph M. Weissman
Kurt Johannes WESCHENFELDER)
Application No. 10/554,239)
Filed October 24, 2005)
For: ROTARY ROLLER PRINTING PRESS)

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Election of Species Requirement of April 29, 2008 in the subject U.S. patent application, applicants, through the undersigned attorney, elect to prosecute the species of the subject application identified by the Examiner as species IV in the event that no generic claim is finally held to be allowable. This election is being made with traverse.

The Election of Species Requirement of April 29, 2008 appears to be generally duplicative. The Detailed Action, at pages 2-4 sets forth an Election of Species Requirement. Pages 4-7 set forth the same Election of Species Requirement but with a different discussion of the asserted technical features that belong to each of the four asserted species. A telephone call was made to the Examiner to request clarification. The Examiner stated that only one of the two different Election of Species Requirements was correct. It is not clear to the undersigned which one of the two is believed, by the Examiner, to be correct.

It is noted that claim 48, the sole independent claim in the group of claims now pending in the application, is indicated as being species I of the generic invention. Claim 48 is also identified, in the Election of Species Requirement, as being a generic claim. It cannot be both. Clarification is respectfully requested. It is believed that claim 48 is a generic claim.

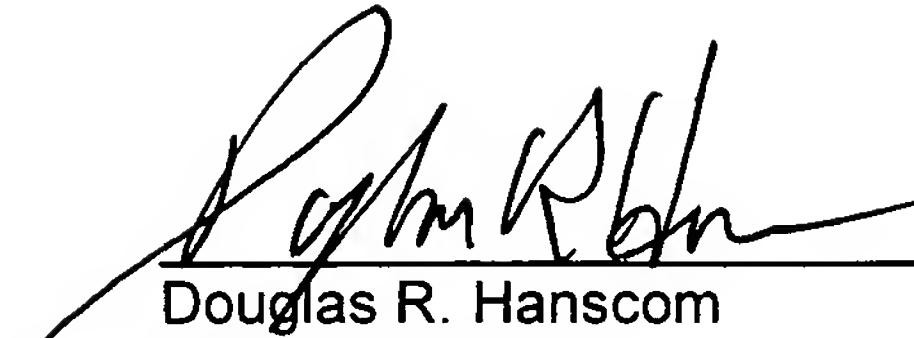
The three asserted species advanced by the Examiner seem to be confusing. For example, claims 49, 50, 57, 59, 60, 62-64, 89 and 92 are all directed to the aspect of the claimed invention wherein the recitation of at least four cutters in claim 48 is further defined. However, claims 51, 53, 54, 55, 90 and 91, which are included by the Examiner in his species IV, have nothing to do with the structure or function of the at least four cutters. Claim 51 is directed to pin needle strips on the transfer cylinder. Claim 53 is directed to the provision of three formers that form three webs. Claim 54 recites that the webs can have up to 72 layers. If anything, claim 54 should be a generic claim. Claim 55 is directed to the provision of seven holding devices on the transport cylinder and if anything, is related to claim 51, which recites seven pin needle strips on the transfer cylinder. Claim 90 recites spur needles on the transport cylinder and thus is more related to claims 51 and 55 than it is to any of the cutting cylinder claims. Claim 91 depends on claim 90.

It is appreciated that there are a large number of dependent claims that depend directly or indirectly from the sole independent claim 48. However, the three groupings of asserted species claims, as proposed by the Examiner, are not accurate. It is respectfully requested that the Election of Species Requirement of April 29, 2008 be withdrawn and reconsidered.

Respectfully submitted,

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